



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : SCHELLER, Gregg, et al.
US Application No.: 10/625,434
Filed: 23 JULY, 2003
Entitled: Device for Radial Optic Neurotomy
Examiner: UNKNOWN
Art Unit: UNKNOWN

January 7, 2004

PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR 1.102(d)
(BASED UPON ACTUAL INFRINGEMENT)

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

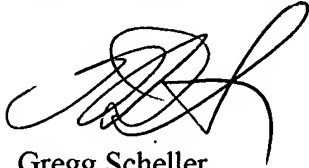
COMES NOW Gregg Scheller, co-applicant of application number 10/625,434 filed JULY 23rd, 2003, entitled "Device for Radial Optic Neurotomy" currently not yet assigned within an Art Unit or to an examiner, and does hereby declare to the best of his knowledge that there is (1) an infringing device and product on the market manufactured by Dutch Ophthalmic USA, of Kingston, NH, USA under the model and name 1293-L Spaide CRVO Knife, (2) that a rigid comparison of the alleged infringing device and product with the claims of the application has been made and that in my opinion claims 1, 2, 5, 6, and 13 are infringed by the aforesaid product and method claims 18 - 20 are infringed by use of the aforesaid product, and (3) that I have good knowledge of the prior art. Included herewith is an advertisement copy showing the aforementioned product from the aforesaid infringer which is incorporated into this petition. The aforementioned product comprises a blade having an asymmetrical "V" shaped tip, said "V" shaped tip having a point and a broad portion, a first leg of said "V" shape having a sharpened edge, and a second leg of said "V" shape having a dulled edge and a tip holding shaft having a central axis, a first end, and a second end attached substantially near said broad portion of said "V" shaped tip and a depth gauge positioned substantially with said blade whereby depth of penetration of said blade is monitored, all as described in the aforementioned claims of the present application.

Applicant has herewith filed his information disclosure statement, made of record, which cites all references which are deemed most closely related to the subject matter encompassed by

the claims.

I, Gregg Scheller, Applicant, hereby request that my patent application entitled "Device for Radial Optic Neurotomy" be made special with an expedited examining procedure and process pursuant to 37 C.F.R. 1.102(d) immediately upon arrival of this document at the United States Patent and Trademark Office. Enclosed is the required fee of \$130.00 pursuant to 37 CFR 1.17(i).

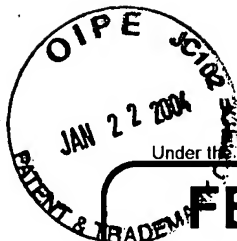
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Gregg Scheller
17820 Suzanne Ridge Drive
Wildwood, MO 63038

Date

1/14/05



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130**Complete if Known**

Application Number	10/625,434
Filing Date	23 JULY, 2003
First Named Inventor	SCHELLER, Gregg, et
Examiner Name	UNKNOWN
Art Unit	UNKNOWN
Attorney Docket No.	

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Kevin L. Klug	Registration No. (Attorney/Agent)	38,756	Telephone	314-849-2273
Signature		Date	1/19/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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